

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Conrad L. Slocumb, #197165,)	
)	
Petitioner,)	C.A. No. 9:07-3903-HMH-BM
)	
vs.)	OPINION & ORDER
)	
Director Jon E. Ozmint, Director for)	
SCDC; Robert Ward, Deputy Director for)	
SCDC; and Bernard McKie, Warden at)	
KCI SCDC,)	
)	
Defendants.)	

This matter is before the court on Conrad L. Slocumb’s (“Slocumb”) petition for rehearing which the court construes as a motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure requesting that the court reconsider its November 4, 2008 Order adopting the Report and Recommendation and dismissing Slocumb’s complaint with prejudice. After careful consideration, the court denies Slocumb’s motion.

Slocumb’s motion fails to meet the legal standard for motions to alter or amend a judgment. Motions to alter or amend a judgment must be filed within ten days of the entry of judgment. See Fed. R. Civ. P. 59(e). Judgment was entered on November 4, 2008. The motion was filed on November 26, 2008.¹ Therefore, Slocumb’s motion is untimely.

Furthermore, even if construed as a motion filed pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, Slocumb has asserted no grounds for relief. Rule 60(b) “invest[s] federal courts with the power in certain restricted circumstances to vacate judgments whenever such action is appropriate to accomplish justice.” Compton v. Alton S.S. Co., 608 F.2d 96, 101-

¹See Houston v. Lack, 487 U.S. 266 (1988).

02 (4th Cir. 1979) (internal quotation marks omitted). Rule 60(b) “does not authorize a motion merely for reconsideration of a legal issue.” United States v. Williams, 674 F.2d 310, 312 (4th Cir. 1982). “Where the motion is nothing more than a request that the district court change its mind . . . it is not authorized by Rule 60(b).” Id. at 313. Slocumb has not presented a basis for the court to grant relief pursuant to Rule 60(b). See Fed. R. Civ. P. 60(b) (enumerating grounds for relief).

In his motion, Slocumb reasserts the allegations made in his objections to the Report and Recommendation and presents no new facts or evidence which alter the court’s original findings in the November 4, 2008 Order. Accordingly, Slocumb’s motion is denied.

Therefore, it is

ORDERED that Slocumb’s motion to alter or amend the judgment, docket number 70, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
December 5, 2008

NOTICE OF RIGHT TO APPEAL

The movant is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.